



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,729	12/04/2001	Rupert Gall	A34822 - 071308.0263	1328

21003 7590 12/05/2003

BAKER & BOTTS
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

DINH, NGOC V

ART UNIT

PAPER NUMBER

2187

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,729

Applicant(s)

GALL ET AL.

Examiner

NGOC V DINH

Art Unit

2187

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C.102 (b) as being anticipated by Gunderson PN 6,073,220.

1.As per claim 1:

Gunderson teaches an automation system comprising a work drive unit [1, 2, fig. 1] and a backup drive unit [5, 6, fig. 1], wherein work programs [e.g., operating system included in the device identifying mechanisms; code BIOS, DOS; col.3, lines 45-65; col. 4, lines 1-15] and work data [e.g., files] are stored in the work drive unit, and further wherein a backup copy of at least part of the work programs and work data are stored by means of backup program [e.g., backup software; fig. 6, step 43; col. 7, lines 12-25] in the backup drive unit , so that part of the work programs and work data can be easily restored [fig. 5; restoring process; col. 11, lines 8-30]; [col. 2, line 60 to col. 3, line 20; col. 6, lines 16-55; col. 7, lines 28-65; col. 9, line 45 to col. 10, line 65; fig. 1-2].

2. As per claims 2-7:

With respect to claims 2-7, Gunderson further teaches the automation system, wherein:

The work programs comprises system programs [e.g., DOS, BIOS] and application programs [e.g., data, files], and the work data comprises system data assigned to system programs and application data assigned to application programs [col.4, lines 15-20; col. 4, lines 50-55; col. 12, lines 10-16].

The system programs comprises the backup program [col.4, lines 15-20].

Art Unit: 2187

The work drive unit [1, 2, fig. 1] has a system drive unit and application drive unit, and the system programs and the system data are stored in the system drive unit, and the application data are stored in the application drive unit [fig. 2].

The system drive unit has a main system drive unit [primary drive#2, fig. 1] and a auxiliary system drive unit backup [drive#2, fig. 1], and further and auxiliary operating system, its system data and backup program are stored in the auxiliary drive unit, and a main operating system and its system data are stored in the main system drive unit [col. 4, lines 25-40].

Implicitly, Gunderson teaches the drive units are logical drive units of a common physical drive unit. This is because in general, a drive array is a collection of hard disk drives grouped together to create an array of physical drives. Drive array technology, typically in the form of a dedicated hardware controller, or controller software executing on a computer system's host processor, distributes data across one or more disk drives to combine these physical drives into one or more logical drives. The backup drive unit is able to store at least two backup copies [col. 4, lines 15-16].

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Ueda et al PN 6,577,912 discloses computer backup system.
- b. Iwatani PN 6, 023,780 discloses RAID and redundant data.
- c. Weng PN 5,265,104 discloses data storage system includes redundant devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc Dinh whose telephone number is (703) 305-3023. The examiner can normally be reached on Monday-Friday 8:30 AM-5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald A. Sparks, can be reached on (703) 308-1756. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Art Unit: 2187

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



NGOC DINH

Patent Examiner

ART UNIT 2187

November 24, 2003



DONALD SPARKS

Supervisory Patent Examiner

Technology Center 2100